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# Committee Report

**CONSENT CALENDAR**

**February 14, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Commerce and Consumer Affairs to  
which was referred HB 341,**

**AN ACT relative to insurance investigations. Having  
considered the same, report the same with the following  
resolution: RESOLVED, that it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. Christy Bartlett**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 341
Title:	relative to insurance investigations.
Date:	February 14, 2019
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

This bill was requested by the Insurance Department in attempt to clarify what the Insurance Commissioner may disclose to an insured or claimant who has made a complaint against an insurer during an investigation. After the hearing, however, it was clear that this bill only served to confuse the issue and didn't solve a problem. So, with the department's consent, it was agreed that there was not a good way to amend it and the department would continue investigations per the existing statute.

Vote 18-0.

Rep. Christy Bartlett  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Commerce and Consumer Affairs

**HB 341**, relative to insurance investigations. **INEXPEDIENT TO LEGISLATE.**

Rep. Christy Bartlett for Commerce and Consumer Affairs. This bill was requested by the Insurance Department in attempt to clarify what the Insurance Commissioner may disclose to an insured or claimant who has made a complaint against an insurer during an investigation. After the hearing, however, it was clear that this bill only served to confuse the issue and didn't solve a problem. So, with the department's consent, it was agreed that there was not a good way to amend it and the department would continue investigations per the existing statute. **Vote 18-0.**

Commerce & Consumer Affairs Committee

Committee Report

HB341 Relative to insurance investigations

ITL 18-0

This bill was requested by the Insurance Department. After the hearing, however, it was clear that this bill only served to confuse the issue and didn't solve a problem. So, with the Department's consent, it was agreed that there was not a good way to amend it and the Department would continue investigations per the existing statute.

Rep Christy Dolat Bartlett

A handwritten signature in black ink, appearing to read "Christy", enclosed within a large, hand-drawn oval.

# Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 341

**BILL TITLE:** relative to insurance investigations.

**DATE:** January 22, 2019

**LOB ROOM:** 302

**MOTIONS:** INEXPEDIENT TO LEGISLATE

Moved by Rep. Bartlett

Seconded by Rep. Hunt

Vote: 18-0

CONSENT CALENDAR: YES

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Rebecca McBeath, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 341

BILL TITLE: relative to insurance investigations.

DATE: 1-22-2019

LOB ROOM: 302

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. Bartlett Secoded by Rep. Hunt Vote: 18-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Interim Study (2nd year)
- Adoption of Amendment # (if offered)

Moved by Rep. \_\_\_\_\_ Secoded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES  NO

Minority Report? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, author, Rep: \_\_\_\_\_ Motion

Respectfully submitted:  Rep. Rebecca McBeath, Clerk





2019 SESSION

Commerce and Consumer Affairs

Bill #: HB 341 Motion: ITL AM #: \_\_\_\_\_ Exec Session Date: \_\_\_\_\_

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Butler, Edward A. Chairman	✓		
Williams, Kermit R. Vice Chairman	✓		
<del>Gidge, Kenneth N.</del>		<del>Absent</del>	
Abel, Richard M.	✓		
McBeath, Rebecca Susan Clerk	✓		
Bartlett, Christy D.	✓		
<del>Herbert, Christopher J.</del>		<del>Absent</del>	
Van Houten, Constance	✓		
Fargo, Kristina M.	✓		
Indruk, Greg L.	✓		
Muscatel, Garrett D.	✓		
Weston, Joyce	✓		
Hunt, John B.	✓		
Sanborn, Laurie J.	✓		
Osborne, Jason M.	✓		
Costable, Michael	✓		
<del>Plumer, John R.</del>	✓		
Barnes, Arthur E.	✓		
Potucek, John M.	✓		
Warden, Mark	✓		
<b>TOTAL VOTE:</b>	<b>18</b>	<b>0</b>	

# Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 341

**BILL TITLE:** relative to insurance investigations.

**DATE:** January 10, 2019

**LOB ROOM:** 302

**Time Public Hearing Called to Order:** 1:45 pm

**Time Adjourned:** 2:00 pm

**Committee Members:** Reps. Butler, Williams, McBeath, Gidge, Abel, Bartlett, Herbert, Van Houten, Fargo, Indruk, Muscatel, Weston, Hunt, Sanborn, J. Osborne, Costable, Plumer, Barnes, Potucek and Warden

**Bill Sponsors:**  
Rep. McBeath

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Rebecca McBeath, prime sponsor** - Introduced at the Request of NH Insurance Department.

**Heather Silverstein, NHID** - Supports.

**Dan Bennett, NH Auto Dealers' Association** -Opposes.

Respectfully Submitted:



Rebecca McBeath, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 341

BILL TITLE: relative to insurance investigations.

DATE: 1-10-19

ROOM: 302

Time Public Hearing Called to Order:

Time Adjourned:

(please circle if present)

Committee Members: Reps. Butley, Williams, McBeath, Gidge, Abe, Bartlett, Herbert,  
Van Houten, Fargo, Andruk, Muscatele, Weston, Hunt, Sanborn, J. Osborne, Costable,  
Plumer, Karnes, Notucek and Warden

Bill Sponsors:

Rep. McBeath

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted

- #1 Rebecca McBeath Prime Sponsor
- #2 Heather Silverstein NH Insurance Dept
- #3 Dan Bennett NH Auto Dealers Assn

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**HEARING ON**  
***HB 341***, relative to insurance investigations.

Hearing called to Order by Chair Butler at

**Witness #1 Rep. Rebecca McBeath** – Prime Sponsor  
Introduced at the Request of NH Insurance Department

**Witness #2 Heather Silverstein, NHID**



Bill as  
Introduced

HB 341 - AS INTRODUCED

2019 SESSION

19-0656  
01/05

HOUSE BILL            **341**  
AN ACT                relative to insurance investigations.  
SPONSORS:            Rep. McBeath, Rock. 26  
COMMITTEE:           Commerce and Consumer Affairs

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ANALYSIS

This bill clarifies what the insurance commissioner may disclose to an insured or claimant who has made a complaint against an insurer during an investigation.

This bill is a request of the insurance department.

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Explanation:        Matter added to current law appears in *bold italics*.  
                         Matter removed from current law appears [~~in brackets and struck through~~].  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT                   relative to insurance investigations.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 Insurance Department; Investigations, Enforcement. Amend RSA 400-A:16, III(c) to read as  
2 follows:

3                   (c) The commissioner may disclose to an insured or claimant who has filed a complaint  
4 against an insurer, a copy of the insurance company's letter, *without attachments*, to the  
5 department in response to the complaint. The commissioner shall adopt rules, pursuant to RSA  
6 541-A, to identify [~~these~~] *which* documents obtained from the company during the course of the  
7 investigation of the insured's or claimant's complaint [~~that~~] may be disclosed upon request to assist  
8 the insured or claimant in understanding the basis for the department's actions related to the  
9 investigation. The commissioner shall not disclose to an insured or claimant any information that  
10 would interfere with any civil, criminal, or administrative enforcement proceeding.

11           2 Effective Date. This act shall take effect 60 days after its passage.